

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO: EP: 3:19-CR-03932
	§	
ALEJANDRO CARRILLO	§	

**MOTION FOR GUIDANCE ON COURTROOM PROCEDURES IN LIGHT
OF COVID-19/MOTION FOR CONTINUANCE**

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes the Defendant, ALEJANDRO CARRILLO, by and through his attorney, Theresa Caballero, and respectfully requests that the Court consider this Motion for Guidance on Courtroom Procedures in Light of Covid-19 based on the following grounds:

This case is set for sentencing on September 17, 2020. At the guilty plea, which was held on Zoom on July 9, 2020, Undersigned notified the Court that she would be asking for an expanded sentencing time in order to call live witnesses. With the unpredictable changes regarding in court hearings, and the possibility that an in court hearing might be in question, the Defense would like to inform the Court of some issues it foresees will arise. The Defense believes that an in court hearing is very important in this particular case. The Defendant is a 62 year old who has never been in trouble with the law, who is fragile in stature and in poor health, matters the Defense will be raising in a Motion for Downward Departure. However, the Defense believes it is of paramount importance that the Court have the benefit of assessing all sentencing issues by conducting an *in court* hearing. A hearing by computer will simply not convey the same

human emotion and afford the Court the same opportunity to assess the individual before it, as an in court hearing would.

Additionally, in reference to the Defendant's witnesses, the Defense would like the Court to hear them and to see them and to evaluate their sentiments in person. There is simply no substitute for the connection that is created and the ability to weigh the issues that in person, human interaction affords. In relation to the witnesses, the Defense would like to send out subpoenas and the witnesses are expecting them. However, the Defense does not know where to compel them to report: to the Court, to her office? If the witness is subpoenaed to Undersigned's office and fails to show, is the subpoena enforceable?

Should the Court not be able to give guidance on these issues at this time or be able to commit to an in court hearing, the Defense would then ask that the Court consider continuing the sentencing to a future date when the Defendant can appear in court with his witnesses.

WHEREFORE premises considered, the Defense prays for Guidance on the above issues.

Respectfully submitted,

/s/ Theresa Caballero
THERESA CABALLERO
State Bar No. 03569625
310 N. Mesa., Suite 502
El Paso, Texas 79901
915.565.3550
915.562.5250 fax
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Theresa Caballero, certify that a true copy of the above was served on the United States' Attorney's Office located at 700 E. San Antonio St., El Paso, TX and the United States' Probation Department.

Date: August 6, 2020

/s/ Theresa Caballero
THERESA CABALLERO